



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2004-06:** Can the “Recommendations for Accessible Guidelines: Outdoor Developed Areas, Final Report”, published in September 1999, Outdoor Recreation Access Routes, Section 16.3.7.1 Cross Slope, be utilized in lieu of the ADAAG Section 4.3.7 slope for a continuous unobstructed path designated for pedestrian use that connects accessible elements within a picnic area, camping area, or designated trailhead?

Summary: The Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas was established in June 1997. The Final Report issued in September 1999 entitled “Recommendations for Accessibility Guidelines: Outdoor Developed Areas” has not been adopted by the DOJ and therefore it is not enforceable.

When deemed technically infeasible to comply with ADAAG 4.3.7, the recommendations for an accessible route, section 16.3.7.1 Cross Slope may be utilized to provide accessibility to the maximum extent feasible.

Technical Infeasibility as defined by ADAAG means, “With respect to an alteration of a building or facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility”.

Ruling: For buildings or facilities subject to HRS §103-50,

ADAAG 4.3.7

When a designated accessible continuous path that connects accessible elements located in a camping area, a picnic area, and/or leads to a trailhead in an outdoor developed area and the terrain is such that cross slopes cannot meet ADAAG 4.3.7 due to technical infeasibility, a cross slope to a 1:33 maximum is acceptable.

EXCEPTION: Where the surface conditions require slopes greater than 1:33 for proper drainage, a 1:20 slope is permitted.

[Rul:03/04] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call 586-8121.